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Message Text

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PAGE 01 TEHRAN 01909 280636 Z

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ACTION NEA-12

INFO OCT-01 ADP-00 PM-09 CIAE-00 INR-09 NSAE-00 RSC-01 L-03

OMB-01 RSR-01 /037 W
---------- 039489
R 270435 Z MAR 73
FM AMEMBAEIY TEHRAN
TO SECSTATE WASHDC 1596
INFO SECDEF WASHDC
CINCEUR

C O N F I D E N T I A L TEHRAN 1909

E. O. 11652: GDS
TAGS: MARR, MASS
SUBJECT: TAFT PERSONNEL FOR IRAN: LEGAL STATUS

REF: STATE 025564; TEHRAN 7321, DEC 72

SUMMARY AND ACTION REQUESTED: REQUEST AUTHORITY EXCHANGE NOTES WITH MFA ON TAFT PERSONNEL IMMUNITY, USING REVISED TEXT WHICH REFLECTS MFA SUGGESTIONS. END SUMMARY

1. AT MFA REQUEST, EMB OFF AND MAAG JUDGE ADVOCATE MET WITH MFA LEGAL CHIEF KAZEMI MARCH 19 TO DISCUSS EXCHANGE ON NOTES CONFIRMING LEGAL STATUS OF TAFT PERSONNEL (REFTELS) KAZEMI OFFERED FOLLOWING COMMENTS:

A) REFERENCE TO " REIMBURSABLE BASIS" IN FIRST PARAGRAPH, UNNECESSARY AND CONFUSING, AS FINANCING OF TAFTS IS NOT AT ISSUE IN NOTE.

B) REFERENCE TO 1947 AGREEMENT UNNECESSARY AS 1) TAFT PERSONNEL ARE NOT SUBJECT TO MAAG AGREEMENT AND 2) PRIVILEGES AND IMMUNITIES ARE NOT COVERED BY ITS PROVISIONS.

C) REFERENCE IN SUB- PARA B TO RATIFICATION BY IRANIAN PARLIAMENT IS NOT RELEVANT IN CONTEXT OF DISCUSSION OF MFA' S NOTE 9762.

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D) MFA WOULD PREFER TO HAVE OSTENSIBLE PURPOSE OF NOTE TO ANNOUNCE ARRIVAL OF FIRST TAFT GROUP IN IRAN AND, SECONDARILY, TO ASSERT THAT THEY WOULD HAVE SAME RIGHTS, PRIVILEGES AND IMMUNITIES ACCORDED IN MFA NOTE 9762.

E) MFA WISHES TO HAVE REFERENCE TO EMBASSY' S REPLY (NOTE NO. 282) TO ITS NOTE 9762 INCLUDED IN TEXT OF PROPOSED NOTE.

2. EMBASSY AND MAAG REPRESENTATIVES SAID THEY PERCEIVED NO OBJECTION TO KAZEMI' S POINTS BUT WOULD CONSULT WITH DOD AND STATE. ACCORDINGLY, PROPOSE FOLLOWING TEXT IN LIEU OF DRAFT CONTAINED TEHRAN REFTEL:

QUOTE EXCELLENCY:

I HAVE THE HONOR TO ANNOUNCE THAT THE FIRST CONTINGENT OF

AMERICAN MILITARY AND NON- MILITARY TECHNICIANS REQUESTED BY YOUR GOVERNMENT TO ASSIST IN THE MODERNIZATION PROGRAM OF THE IMPERIAL IRANIAN ARMED FORCES WILL ARRIVE IN IRAN IN THE NEAR FUTURE (WILL INSERMDATE IF KNOWN). DURING RECENT WEEKS THERE HAVE BEEN DISCUSSIONS BETWEEN REPRESENTATIVES OF THE MINISTRY OF WAR OF THE IMPERIAL GOVERNMENT OF IRAN AND THE STAFF OF THIS MISSION CONCERNING THE DETAILED ARRANGEMENTS UNDER WHICH THE TECHNICIANS ARE TO BE ASSIGNED TO IRAN. IT IS THE UNDERSTANDING OF MY GOVERNMENT THAT THESE PERSONNEL WILL BE AFFORDED RIGHTS, PRIVILEGES AND IMMUNITIES IN ACCORDANCE WITH THE NOTE OF THE IMPERIAL MINISTRY OF FOREIGN AFFAIRS NO. 9762 OF DECEMBER 9, 1964, ACKNOWLEDGED BY THE NOTE OF THIS EMBASSY NO. 282 OF THE SAME DATE.

I WOULD APPRECIATE YOUR CONFIRMATION THAT THIS IS ALSO THE UNDERSTANDING OF THE IMPERIAL GOVERNMENT OF IRAN.

PLEASE ACCEPT, EXCELLENCY, THE ASSURANCES OF MY HIGHEST CONSIDERATION. RICHARD HELMS, AMERICAN AMBASSADOR. UNQUOTE

3. DURING COURSE OF CONVERSATION KAZEMI DIGRESSED ON SENSITIVITY OF IRANIANS TO QUESTION OF IMMUNITY FOR FOREIGN MILITARY. WHILE ACKNOWLEDGIM ESPECIAL TREATMENT WAS NECESSARY, HE AND OTHERS COULD NOT FORGET HUMILIATIONS OF CAPITULATION TREATIES WHICH WERE FORCED ON IRAN. LATER AT EVENING FUNCTION,
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EMB OFF ASKED THREE MEMBERS OF MAJLIS WHETHER PARLIAMENTARY

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SENTIMENT HAD CHANGED SINCE 1964 DEDATE ON IMMUNITIES QUESTION.
ALL AGREED IRANIAN FEELINGS ON THIS ISSUE REMAINED AS STRONG
AS EVER.

. COMMENT: ALTHOUGH STATE OR DOD LAWYERS MIGHT QUARREL WITH
SOME OF KAZEMI' S CRITICISMS, BELIEVE IT WOULD NOT BE PROFITABLE
TO ENTER INTO EXTENDED DISCUSSION WITH MFA ON THIS QUESTION.
IF SUGGESTED DRAFT IS APPROVED, WE WILL CLEARTEXT INFORMALLY
WITH KAZEMI AND PROCEED TO FORMAL EXCHANGE OF NOTES. PLEASE
ADVISE.
HELMS

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*** Current Handling Restrictions *** n/a
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